

REMARKS

Claims 1, 2 and 4-17 are pending. Claim 1 is amended herein. Support for the amendments is detailed below.

Applicants' Response to the Claim Rejections under - 35 U.S.C. §112

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the rejection asserts that the phrase in claim 1 referring to the inorganic particle range being a "wt%" is indefinite because the claim does not specify whether the percentage is based on the weight of the sum of the resin and the particles, or the weight of the resin sheet. In response thereto, applicants have amended claim 1 to clarify that the inorganic particles are contained in a range of 25 to 60 wt.% in the cured resin layer.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103(a)

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shiba (JP 2003-202816) in view of Shibahara (US 7,132,154) and Border (US 2002/0123550).

In response thereto, applicants respectfully traverse on the basis that the combination of references does not provide for all the features of the claimed invention, nor is there any reason prompting a skilled artisan to modify the references so as to derive the present invention.

The rejection asserts that Shiba teaches a resin sheet comprising an epoxy resin, per paragraphs [0001] and [0008]. Specifically, it is maintained that paragraph [0004] teaches a resin with a glass fiber cloth-like material and inorganic filler particles having a mean particle size within a range of 2 micrometers or less in a range of 9 to 80 wt.% based on the sum of the weight of the resin and the particles. However, it is acknowledged by the Office that Shiba fails to teach that the resin sheet is structured to have a haze value within a range of 10% or lower because it is not meant to be transparent. For this feature of claim 1 the rejection relies upon the prior cited references, Shibahara and Border, as teaching that transparency may be obtained with a glass cloth and inorganic filler. Further, the Office Action states that Shiba is disclosing in paragraph [0005] that “transparency is not required only when using the resin sheet as a substrate for a high reflective-type liquid crystal display device ([0005]), which implies that transparency is required when using the resin sheet as a substrate for a high transmission-type liquid crystal display device.” See page 4, 1st paragraph of the Office Action. Based thereon, the rejection concludes that it would have been obvious to one of ordinary skill in the art to have “structured the resin sheet of Shiba to have a haze value that is within a range of 10% or lower, in order to obtain the desired transparency and hence high level of light transmission for a high transmission-type display device, as taught by Shibahara in light of Border.”

As set forth in *Takeda v. Alphapharm* 492 F.3d 1350, 1356-1357; 83 USPQ2d 1169 (Fed. Cir. 2007):

While the *KSR* Court rejected a rigid application of the teaching, suggestion, or motivation ("TSM") test in an obviousness inquiry, the Court acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way

the claimed new invention does" in an obviousness determination. *KSR*, 127 S. Ct. at 1731.

In the current instance, applicants respectfully submit that there is no viable reason to utilize the laminate sheet described in paragraph [0004] of Shiba as a transparent layer in a transmission-type display device. The mere fact that Shiba teaches that the disclosed layer is utilizable with the characteristics described in paragraph [0004] for a reflective-type LCD does not provide a skilled artisan with a reason to use the disclosed layer with the exact characteristics in a transmission-type LCD. A skilled artisan would not utilize the layered sheet of Shiba in a "high-transmission-type" LCD device as the rejection maintains even in light of the teachings of Shibahara and Border. The Office Action asserts at page 4 that a skilled artisan would readily have substituted the organic filler of Border for the filler of Shiba.

However, as to inorganic fillers (silica), Shiba describes not only that "inorganic filler particles having a mean particle size within a range of 2 micrometers less" as recited in paragraph [0004], but also that "it is preferably not less than 0.2 μm " as set forth in paragraph [0009]. Hence, Shiba discloses inorganic filler particles having a particle size within a range of 0.2-2.0 μm (200 nm-2000 nm).

On the other hand, Border describes about the inorganic fillers that "the nanoparticle must be available in a particle size range that is less than 40nm to avoid scattering light." See paragraph [0035]. Thus, regarding the particle size of the inorganic fillers, both the cited references disclose essential features for their respective inventions which are contradictory to each other. As set forth at M.P.E.P. §2143.01, a proposed modification cannot render the prior art

unsatisfactory for its intended purpose. A skilled artisan would not modify Shiba outside of the required particle size as doing so would render the invention thereof unsatisfactory for its intended purpose.

Therefore, it would not have been obvious for one of ordinary skill in the art to combine Shiba with Shibahara and Border, since the references describe such contradicted inventions. As such, applicants respectfully submit that the present invention is not obvious in light of the combination.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

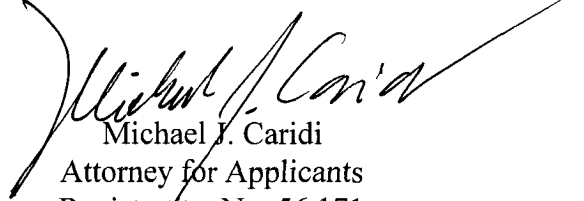
Application No. 10/580,714
Art Unit: 1794

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 062568

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Michael J. Caridi", is written over the printed name and title.

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